United Nations A/HRC/37/L.12

General Assembly

Distr.: Limited
16 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Angola, Austria,* Belgium, Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Brazil, Chile, Croatia, Cyprus,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Haiti,* Honduras,* Iceland,* Latvia,* Lithuania,* Luxembourg,* Mexico, Montenegro,* Namibia,* Netherlands,* Paraguay,* Peru, Philippines, Poland*, Portugal,* Romania,* Slovakia, Spain, Sweden,* Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, Uruguay:* draft resolution

37/... Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolutions 31/9 of 23 March 2016 and 34/9 of 23 March 2017,

Recalling further General Assembly resolution 70/1 of 25 September 2015 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the

* State not a member of the Human Rights Council.

equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and emphasizing the need, in ensuring housing affordability, to develop strategies that take into account women's economic conditions and status, including as a result of gender wage gaps,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and their follow-up meetings, inter alia, the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III),

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption and nearly universal ratification of the Paris Agreement under the United Nations Framework Convention on Climate Change, and calling upon States to continue its implementation, as applicable,

Expressing deep concern at the number and scale of natural disasters, and their negative impact on the right to adequate housing, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030,

Noting with appreciation the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[1]

Concerned that the right to adequate housing is not realized for many throughout the world, and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

Deeply concerned that inadequate housing, homelessness and forced eviction disproportionately affect women, children and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

[1] A/HRC/25/54.

Emphasizing the importance of housing to dignity and equal rights for persons with disabilities, who often face widespread and severe forms of discrimination in virtually all aspects of housing, from the inaccessible design of buildings to barriers to finance or discriminatory tenant selection and various forms of stigmatization, and acknowledging in particular that persons with disabilities are at a higher risk of violence within and outside of their homes simply because of their disability,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions, and takes note of her reports;

2. *Calls upon* States:

(a) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for regular monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

(b) To give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the implementation of the New Urban Agenda;

(c) To take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-, age- and disability-responsive and based on international human rights law;

(d) To take measures necessary to curb factors which result in a lack of affordable housing, such as housing speculation and the "financialization of housing",[2] and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

(e) To ensure that the principles of equality and non-discrimination are respected when fulfilling the right to adequate housing, and in this respect to take measures to the maximum of available resources to address systemic homelessness and deprivation of housing, which disproportionately affects persons with disabilities, and to strive towards the full realization of the right to adequate housing for all, including for persons with disabilities;

(f) To take necessary steps to ensure women's equal right to adequate housing in all aspects of housing strategies by, inter alia, addressing women's distinct housing experiences, including discrimination, violence against women and the disproportionate impact on women of forced evictions, inadequate water and sanitation services and pervasive poverty, and by undertaking legislative and other reforms to realize the equal rights of women and men, as well as girls and boys where applicable, to access economic

[2] See A/HRC/34/51.

and productive resources, including land and natural resources, and property and inheritance rights;

3. *Requests* the Special Rapporteur, in fulfilling her mandate, to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goals 1 and 11, and the New Urban Agenda, taking into account the need for an integrated approach to the implementation of the 2030 Agenda for sustainable development, and to undertake thematic research with a view to advise States, intergovernmental organizations, civil society and other stakeholders on how to effectively respect, protect and fulfil the right to adequate housing, and non-discrimination in this context;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance necessary to the Special Rapporteur for the effective fulfilment of her mandate;

5. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of her mandate and to respond favourably to her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations;

6. *Decides* to continue its consideration of this matter under the same agenda item.